



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

June 17, 2004

Jessica Nichols
Meridian Architects and Engineers
26412 Broadkill Road
Milton, DE 19968

RE: PLUS review – PLUS #2004-05-06; New Milton Village

Dear Ms. Nichols:

Thank you for meeting with State agency planners on May 27, 2004 to discuss the proposed plans for the New Milton Village project to be located along Del. Route 16 and Del. Route 30.

According to the information received, you are seeking to rezone in Sussex County from AR-1 to MR/RPC. Specifically, this project is to develop the 143.1 acres into a mixed use development consisting of townhomes and commercial properties.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

This office has received the following comments from State agencies:

State Planning Office – Contact: Ann Marie Townshend 739-3090

The Office of State Planning Coordination notes that this project is in a “secondary developing” area according to the 1999 Strategies for State Policies and Spending. The current draft of the 2004 Strategies for State Policies and Spending indicates that this area will be in the “Investment Level 2” designation, where the State policies should support

orderly and well-planned growth. We also note that this project is in the development district according to the Sussex County Comprehensive Plan and the annexation area as defined in the Town of Milton's Comprehensive Plan. For these reasons, the Office of State Planning Coordination supports the location of a mixed use project on this site.

As you move forward with your site plan design, we encourage you to incorporate the concepts included in the "Better Models for Development in Delaware" publication that you have received from us. We also encourage the developer to work closely with the Town of Milton and Sussex County to design and build a project that is in keeping with the character of the area envisioned by both the Town and the County.

State Historic Preservation Office (SHPO) – Contact: Anne McCleave 739-5685

There are potential historic properties next to the subject property. One is located to the southeast and another to the southwest, across Delaware 30. It is recommended that these properties be considered when designing the landscaping around the edges of the development. A 30 ft. buffer should be planned to lessen any visual effects the new development could have on these potential historic properties.

There is also a high probability for archeological sites and it is strongly recommended that the development stay out of the forested area and away from the creek.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

DART First State Bus Route 303 travels Delaware Route 16 between Milton and Ellendale and the Delaware Transit Corporation would like to work with the developer on locating a bus stop, possibly an internal one, to serve the site. DART also noted that if the streets are to be built to County, rather than State standards, any internal bus service would require a heavier pavement section along the bus' route through the site.

While Sussex County has not asked us yet, it is recommended that they require a traffic impact study (TIS) before acting on the rezoning necessary for this project. On July 17, 2003, DelDOT met with the developer's engineer to define the scope of that TIS. Since then they have seen interim work products, but have yet to receive the completed TIS. Presently there is approximately a 6-month backlog of final studies under review. For this reason, it is recommended that the developer have their engineer submit the completed TIS for review as soon as possible.

The developer's engineer has already begun discussions with the DelDOT Subdivision Manager, Mr. John Fiori, regarding the site access. It is recommended that these discussions continue. Mr. Fiori may be reached at (302) 760-2260.

**The Department of Natural Resources and Environmental Control – Contact:
Kevin Coyle 739-3091**

Soils

According to the Sussex County soil survey, Sassafras was mapped in the immediate vicinity of the proposed construction. Sassafras is a well-drained upland soil that has few limitations for development.

TMDLs

Although Total Maximum Daily Loads (TMDLs) as a “pollution runoff mitigation strategy” to reduce nutrient loading have not yet been developed for most of the tributaries or subwatersheds of the Delaware Bay watershed to date, work is continuing on their development. TMDLs for the Broadkill River subwatershed, of which this parcel is part, are scheduled for completion in December 2006.

Therefore, until the specified TMDL reductions and pollution control strategies are adopted, it shall be incumbent upon the developer to employ best available technologies (BATs) and/or best management practices (BMPs) as “methodological mitigative strategies” to reduce degradative impacts associated with development.

Wetlands

The parcel is adjacent to a significant acreage of wetlands bordering Brittingham Branch and Pemberton Branch which have been classified by the State as “exceptional.” These wetlands and streams, in addition to providing important water quality benefits, are home to a number of State listed rare and endangered plant and fish species.

If the developer finds that wetlands are present on the site, they should note that impacts to Palustrine wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act. In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the DNREC Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Programs Section. Each of these certifications represents a separate permitting process.

The developer should be cognizant of the special resources proximate to the project site. These exceptional wetlands connect to significant areas of lands owned by private conservation organizations and the State of Delaware. Providing additional forested buffers in the southern portion of the project site would help improve water quality and also provide additional habitat for sensitive species.

Stormwater Management

The applicant is encouraged to contact the Sussex Conservation District stormwater program (302) 856-7219 Jessica Watson as soon as possible for a pre-application meeting. The use of “Green Technology” stormwater practices is encouraged as well, and DNREC is available to provide technical assistance for this project. Contact DNREC Sediment and Stormwater at (302) 739-4411.

Habitat and Open Space

This parcel is adjacent to a large forested area which connects to permanently protected land owned by private conservation groups and the State and Federal government. Numerous State rare and endangered species occur throughout the corridor, which speaks to its importance in the regional ecosystem. The proposed project does not directly impact these resources (except for six lots near the proposed recreation center), but may have secondary and cumulative impacts resulting from homeowner activities. It is recommended that the developer seek to help maintain and improve the ecological integrity of the Brittingham and Pemberton Branches by providing additional forested buffers at the southern section of the parcel. Reforestation in this area using native trees and shrubs will increase the forest area, increase wildlife habitat, help improve water and air quality and could provide an attractive passive recreational opportunity for residents.

Recreation

It is recommended that sidewalks be built fronting every residence. A complete system of sidewalks will: 1) fulfill the recreation need for walking and biking facilities 2) provide opportunities for neighbors to interact in the community and 3) facilitate safe, convenient off-road access to neighboring communities, public mass transit stops, schools, stores, work etc. It is also recommended that sidewalks be provided along the stub streets to encourage sidewalks in adjacent properties.

If a trail system is planned, we recommend that a series of stacking trail loops be designed with access points in each subdivision “pod” and connections to adjacent communities. Community trail systems with long continuous trails, perimeter-only trails, and systems with few access points, often go unused and neglected. For trail design/construction specifications, contact Susan Moerschel at (302) 739-5285.

The Division of Parks and Recreation conducted a telephone survey of Delaware residents to gather information on outdoor recreation patterns and preferences as well as other information on their landscape perception. These findings are the foundation of the 2003-2008 Statewide Comprehensive Outdoor Recreation Plan (SCORP) providing guidance for investments in needed outdoor recreation facilities. The high and moderate facility needs in Eastern Sussex County are listed below. Consideration should be given to incorporate some of these recreation opportunities into the project.

High Priorities include walking or jogging paths, bike paths and fishing areas.

Moderate priorities include Picnic Areas, Skate Facilities, Canoe/Kayak Access, Hiking Trails, Swimming Pools, Playgrounds, Soccer Fields, Tennis Courts, Power Boat Access and Baseball/Softball Fields.

Underground Storage Tanks

There are no LUST sites located near the proposed project. However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel in the contaminated areas.

State Fire Marshal's Office – Contact: Duane Fox 856-5298

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Mercantile)
- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly and Townhouses)
- Where a water distribution system is proposed for single family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required. (One & Two- Family Dwelling)
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.

- Buildings greater than 10,000 sq.ft., 3-stories or more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR
- For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.

c. **Accessibility**

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Del Route 16 & 30 must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

d. **Gas Piping and System Information:**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)

- Townhouse 2-hr separation wall details shall be shown on site plans
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Mark Davis 739-4811

A forested buffer is required between the proposed subdivision and all adjacent properties in active agricultural use. In addition, a forest buffer should be maintained for those pre-existing residential properties and along all streams, wetlands, and river that border the proposed subdivision.

The developer should consider a diverse landscape plan that uses Delaware native tree and shrub species and encourages the “Right Tree for the Right Place” concept.

The Delaware Forest Service (DFS) encourages the use of forest conservation design standards and practices for the small wooded segment of this parcel. From discussions at the most recent meeting it was determined the bulk of the 65 acre wooded lot is owned by another development firm and is planned for single family lots with well and septic in the near future. DFS feels the developer should be allowed to develop the parcels as planned; however, trees lost in the development process should be replaced throughout the development at a given mitigation rate. The DFS in cooperation with other state agencies will be available to assist the developer in this process.

The DDA Planning office has noted that although this parcel is part of the developing areas on the Strategies for State Policies and Spending, DDA does not support development of this property. Many landowners in the Milton area have made significant financial commitments to Agricultural Preservation. While they realize this land can develop by right, but we do not support that development. If this property does develop, then 300 foot notification requirement is activated as follows.

§ 910. Agricultural use protections.

(1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

"This property is located in the vicinity of an established Agricultural Preservation District in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."

This notice applies to ALL deeds in the new subdivision

Public Service Commission - Contact: David Bonar 739-4247

There is no CPCN on file for this property. The developer will need to obtain a CPCN for this property.

Delaware State Housing Authority – Contact Karen Horton 739-4263

Because this proposal will provide opportunities for first-time homebuyers, The Housing Authority supports this application.

Eric Evans with the Town of Milton has also sent the following comments which should be considered as you move forward with this plan.

1. Request that the Town of Milton and the Sussex County Planning Department work closely in the design of this project to get the best for both Sussex County and the Town of Milton.
2. Have the developer continue to pursue annexation into the Town of Milton.
3. If possible have the developer build to the Town standards when it comes to street, sidewalks, water & sewer.
4. Have developer contact the Town as soon as possible if the Town is going to be providing water services and possibly sewer services so the design can be reviewed and the details worked out.
5. If possible use the best of both County and Town requirements so flexibility can be used in the design of the development.
6. Provide more open space (do not consider storm water ponds as open space).
7. In the housing area mix the use up so all the townhouses are not located in one general area.
8. Move the shopping centers forward closer toward the road and put the parking inside the development.
9. The out pads can be inside the parking areas inside the development.
10. Try to keep the Rte 16 & Rte 30 road areas clean and free from becoming a common parking lot.
11. Request the through streets to the adjoining properties be kept in place. This allows for properties to have multiple accesses to their property and will help emergency vehicles get from point A to point B without having to go around a development.

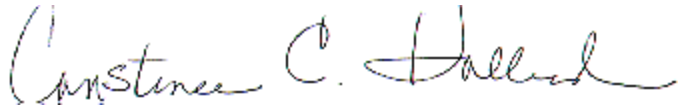
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Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. We encourage you to work with the State agencies and the Town of Milton in addressing the comments listed in this letter. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in dark ink, reading "Constance C. Holland". The signature is fluid and cursive, with the first name "Constance" being more prominent.

Constance C. Holland, AICP
Director

CC: Eric Evans, Town of Milton
New Milton Village, LLC
Lawrence Lank, Sussex County Planning & Zoning